

**ENTERED**

May 18, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

MICHAEL PALMA,

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v.

CIVIL ACTION NO. H-18-124

GENESIS COMMUNITY  
MANAGEMENT, INC.,

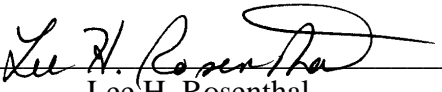
**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION,  
GRANTING MOTION TO DISMISS, AND ENTERING FINAL JUDGMENT**

This court has reviewed the Memorandum and Recommendation of the United States Magistrate Judge signed on May 2, 2018, and has made a *de novo* determination of the Magistrate Judge's recommended disposition. Rule 72(b), Fed. R. Civ. P.; 28 U.S.C. § 636(b)(1)(C); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989). This court finds that the Memorandum and Recommendation should be, and is, adopted as this court's Memorandum and Order. This court has considered and overruled the Request for Information filed by the plaintiff, Michael Palma, considering it as an objection. The court finds no basis in the filing to reject or revise the recommendation to grant the Motion to Dismiss because Mr. Palma's complaint does not, as a matter of law, state a claim on which relief can be granted. As the Memorandum and Recommendation correctly held, the defendant, Genesis, is not a state actor and did not act under the authority of the State of Texas, and Genesis did not deprive Mr. Palma of his federally protected rights. This action is dismissed, with prejudice, because Mr. Palma's unsuccessful effort to fix the pleading

deficiencies through his more definite statement makes it clear that further amendment would be futile.

This case is dismissed, with prejudice. This is a final judgment.

SIGNED on May 18, 2018, at Houston, Texas.

  
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Lee H. Rosenthal  
Chief United States District Judge